IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CASE NO. 3:22-CV-475-RJC-DCK

SEAN ALGAIER,)
Plaintiff,)))
v.	ORDER
CREDIT CONTROL SERVICES, INC.,)
Defendant.)
)

THIS MATTER IS BEFORE THE COURT on Plaintiff's "Consent Motion For Order Directing Early Warning Services, LLC To Respond To Subpoena" (Document No. 70) filed April 5, 2024. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, and noting Defendant's consent, the undersigned will grant the motion.

By the instant motion, Defendant seeks an Order requiring non-party Early Warning Services, LLC to provide the information sought by the "Subpoena To Produce Documents, Information, Or Objects Or To Permit Inspection of Premises in a Civil Action" (Document No. 70-1) (the "Subpoena"), served by Plaintiff on or about March 7, 2024.

To date, Early Warning Services, LLC has declined to provide the requested information. (Document No.70, p. 2); see also (Document No. 70-2) (citing the Fair Credit Reporting Act, 15 U.S.C. 1681 ("FCRA")).

Based on Defendant's filing, the undersigned finds that the information sought by the Subpoena is relevant and material to this case and thus issues this Order directing Early Warning

Services, LLC to promptly provide the requested information. <u>See</u> 15 U.S.C. § 1681b(a)(1) and <u>Vaughn v. Grand Brands, L.L.C.</u>, 2020 WL 5743215, at *3 (E.D.Va. Sept. 25, 2020).

IT IS, THEREFORE, ORDERED that Plaintiff's "Consent Motion For Order Directing Early Warning Services, LLC To Respond To Subpoena" (Document No. 70) is GRANTED. Early Warning Services, LLC, is directed to produce the following information by April 19, 2024:

All documents, communications, or electronically stored information, created, edited, or stored on or after **January 1, 2019** – **present**, and related to, arising out of, or regarding:

- 1. Copies of any consumer report relating to or mentioning Sean Algaier, DOB: xx/xx/1979, SSN: xxx-xx-0994, Former Address: 1010 Gwinmar Rd., Indian Trail, NC 28079 ("Algaier").
- 2. Printouts of any data used to prepare any credit report relating to or mentioning Algaier. This data is more generally referred to as the "CPU to CPU" data.
- 3. Any communications regarding any consumer report relating to or mentioning Algaier.
- 4. Any risk factors, credit assessments, adverse action codes or scores relating to or mentioning Algaier.
- 5. An inquiry log relating to Algaier.
- 6. Copies of all consumer reports or date relating to or mentioning Algaier delivered to any entity using the trade name Liberty Mutual.
- 7. A completed Affidavit of Certifying Records Pursuant to Federal Rule of Evidence 902, attached to the Subpoena.

In the alternative, Early Warning Services, LLC shall **SHOW CAUSE**, on or before **April 19, 2024**, as to why it should not provide the foregoing information as requested in the Subpoena (Document No. 70-1) and ordered by the Court.

The Clerk of Court is directed to send a copy of this Order to: Early Warning Services, LLC, c/o Cogency Global Inc., Registered Agent, 1212 South Tryon Street, Suite 1000, Charlotte, NC 28281-0001, by certified U.S. Mail, return receipt requested.

SO ORDERED.

Signed: April 8, 2024

David C. Keesler

United States Magistrate Judge